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BILAL MUHAMMAD,
individually and as class representative

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BILAL MUHAMMAD, individually and
as class representative,

Plaintiff,

v.

CITY OF LOS ANGELES, and DOES 1
through 10.

Defendants.

Case No.:

**CLASS ACTION COMPLAINT FOR
DAMAGES:**

1. 42 U.S.C. § 1983: Unlawful Seizure
2. 42 U.S.C. § 1983: Excessive Force
3. Article I, § 13 of the California Constitution
4. Bane Act (Cal. Civil Code § 52.1)
5. Assault

[DEMAND FOR JURY TRIAL]

I. INTRODUCTION

1. This action concerns the written policy of the Los Angeles Police Department (“LAPD”) requiring its officers to use so-called “high-risk” or “felony” tactics to arrest motorists based only on unconfirmed information in the California Law Enforcement Telecommunications System (“CLETS”). CLETS is an electronic collection of police databases maintained by the California Department of Justice including the “Stolen Vehicle System” (SVS). CLETS expressly warns that the information it contains “may be unreliable or unsubstantiated” and “is *not sufficient alone* for establishing the probable cause necessary for law enforcement actions such as conducting a search, seizing property, or placing an individual under arrest.”¹

2. Pursuant to this policy, LAPD officers pull over thousands of motorists each year where officers draw their weapons, force the motorists to lie face down spreadeagled in the middle of the street (a tactic called “proning”), and handcuff them. Many of these people have committed no crime.

3. Among the individuals arrested each year pursuant to LAPD’s “high-risk” traffic stop policy are more than one thousand individuals whom LAPD officers detain based only on unconfirmed reports in CLETS indicating that the car has been reported as stolen or has license plates that do not match the vehicle. According to LAPD’s own statistics, 75% of the vehicles stopped by LAPD on suspicion of being stolen are not stolen, nothing that could even be used as a weapon is found in 99% percent of these stops, and LAPD has no records indicating that any LAPD officer has ever been injured during one of these stops.

4. LAPD’s custom, policy and practice is to draw multiple weapons and require each occupant of the detained vehicle to lie spreadeagled on the ground whenever a stop is based solely on unconfirmed reports in CLETS indicating that the car has been reported as stolen or has license plates that do not match the vehicle.

¹ California Commission on Peace Officer Standards and Training (“POST”) Learning Domain 36, Version 3.6, at 1-9 (emphasis in original).

1 5. The use of “high-risk” tactics based only on unconfirmed information from
2 CLETS constitutes an arrest without probable cause that violates the Fourth
3 Amendment.

4 6. While these traffic stops pose very low risk to LAPD officers, they are
5 terrifying and routinely inflict lasting trauma on the individuals whom LAPD detains.
6 This action accordingly seeks monetary damages for the thousands of individuals
7 subjected to these unconstitutional tactics.

8 **II. JURISDICTION AND VENUE**

9 7. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)
10 because Plaintiff asserts claims arising under the laws of the United States including 42
11 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United States
12 Constitution. Plaintiff’s state-law claims form part of the same case and controversy
13 and are within the supplemental jurisdiction of the Court pursuant to 28 U.S.C. § 1367.

14 8. Venue is proper in the United States District Court of the Central District
15 of California pursuant to 28 U.S.C. § 1391(b)(1) as the Central District is “a judicial
16 district in which any defendant resides” and “all defendants are residents of the State in
17 which the district is located.” Venue is also proper pursuant to 28 U.S.C. § 1391(b)(2),
18 as the Central District is “a judicial district in which a substantial part of the events or
19 omissions giving rise to the claim occurred[.]”

20 **III. PARTIES**

21 9. Plaintiff Bilal Muhammad was subjected to a “high-risk” or “felony”
22 traffic stop by LAPD officers in the City of Los Angeles on November 9, 2022.
23 Pursuant to LAPD policy, more than one dozen officers and a police helicopter
24 surrounded Mr. Muhammad, held him at gunpoint, ordered him to lie prone in the
25 middle of the street, and handcuffed him. The only basis for the traffic stop was an
26 unconfirmed report in CLETS indicating that the license plate on Mr. Muhammad’s car
27 was not registered to that car.

28 10. Defendant City of Los Angeles (“the City”) was and is a legal political

1 entity established under the laws of the State of California, with all the powers specified
2 and necessarily implied by the Constitution and laws of the State of California and
3 exercised by a duly elected City Council and/or their agents and officers. The City is
4 responsible for the actions, inactions, policies, procedures, practices, and customs of the
5 LAPD and its agents and employees. At all relevant times, the City was and continues
6 to be responsible for assuring that the actions of the LAPD and its agents and
7 employees comply with the Constitutions of the State of California and of the United
8 States and any other applicable laws and regulations.

9 11. Plaintiff is ignorant of the true names and capacities of Defendants sued
10 herein as DOES 1 through 10, inclusive, and therefore sue these defendants by such
11 fictitious names. Plaintiff will give notice of this complaint, and of one of more DOES'
12 true names and capacities, when ascertained. Plaintiff is informed and believes, and
13 based thereon alleges, that Defendants DOES 1 through 10 are responsible in some
14 manner for the damages and injuries hereinafter complained of.

15 12. Plaintiff is informed and believes and thereon alleges that at all times
16 relevant herein, Defendants and each of them were the agents, employees, servants,
17 joint venturers, partners, and/or co-conspirators of the other Defendants named in this
18 Complaint and that at all times, each of the Defendants was acting within the course and
19 scope of said relationship with Defendants.

20 13. All of the acts and omissions complained of herein by Plaintiff against
21 Defendants were done and performed by said Defendants by and through their
22 authorized agents, servants and/or employees, all of whom at all relevant times herein
23 were acting within the course, purpose, and scope of said agency, service, and/or
24 employment capacity. Plaintiff alleges that to the extent certain acts and omissions
25 were perpetrated by certain Defendants, the remaining Defendant or Defendants
26 confirmed and ratified said acts and omissions.

27 14. Plaintiff is informed and believes and thereupon alleges, that at all times
28 material herein, each Defendant was dominated and controlled by his/her co-Defendant

1 and each was the alter-ego of the other.

2 15. Whenever and wherever reference is made in this complaint to any act or
3 failure to act by a Defendant or Defendants, such allegations and references shall also
4 be deemed to mean the acts and failures to act of each Defendant acting individually,
5 jointly and severally.

6 IV. ADMINISTRATIVE PREREQUISITES

7 16. Plaintiff Bilal Muhammad exhausted his state law administrative remedies
8 by filing a governmental tort claim with the City of Los Angeles on April 13, 2023. By
9 correspondence dated May 22, 2023, the City rejected Plaintiff's governmental tort
10 claim.

11 V. CLASS ACTION ALLEGATIONS

12 17. The Fourth Amendment to the United States Constitution prohibits
13 unreasonable seizures. U.S. Const. amend. IV; *Washington v. Lambert*, 98 F.3d 1181,
14 1186 (9th Cir. 1996). Article I, § 13 of the California Constitution provides a similar
15 prohibition. Cal. Const. Art. I, § 13; *see People v. Perry*, 36 Cal. App. 5th 444, 466
16 (2019).

17 18. "Under settled Fourth Amendment law, a traffic stop constitutes a seizure,
18 and an officer must have reasonable suspicion before detaining a motorist." *Bingham v.*
19 *City of Manhattan Beach*, 341 F.3d 939, 946 (9th Cir. 2003). To lawfully arrest a
20 motorist, however, an officer must have probable cause. *Green v. City & County of San*
21 *Francisco*, 751 F.3d 1039, 1049 (9th Cir. 2014).

22 19. Under Ninth Circuit law, unconfirmed reports from CLETS are not
23 sufficient by themselves to provide probable cause.

24 20. Under Ninth Circuit law, when the police have only reasonable suspicion
25 to make an investigatory stop, the use of "high risk" tactics in which multiple officers
26 draw their weapons, force the person down onto their knees, and handcuff the person
27 constitute a *de facto* arrest without probable cause and violates the Fourth Amendment.
28 *See id.* at 1047.

1 21. Ninth Circuit law thus limits the use of such “high risk” detentions only to
2 “special circumstances” “1) where the suspect is uncooperative or takes action at the
3 scene that raises a reasonable possibility of danger or flight; 2) where the police have
4 information that the suspect is currently armed; 3) where the stop closely follows a
5 violent crime; and 4) where the police have information that a crime that may involve
6 violence is about to occur.” *Id.*

7 22. LAPD officers routinely stop motorists in Los Angeles and subject them to
8 “high-risk” traffic stops based only upon unconfirmed information in CLETS indicating
9 that the vehicle is involved in a felony crime.

10 23. These stops include frequent traffic stops based only upon unconfirmed
11 information in CLETS indicating that the vehicle is reported as stolen or has license
12 plates that do not match the car (“cold plates”). Pursuant to LAPD policy and training,
13 officers treat vehicles with “cold plates” as stolen and conduct “high-risk” stops.

14 24. LAPD officers routinely conduct “high-risk” traffic stops based only on
15 reasonable suspicion and in the absence of any special circumstances (1) where the
16 suspect is uncooperative or takes action at the scene that raises a reasonable possibility
17 of danger or flight; (2) where the police have information that the suspect is currently
18 armed; (3) where the stop closely follows a violent crime; and (4) where the police have
19 information that a crime that may involve violence is about to occur.

20 25. LAPD officers conducting “high-risk” traffic stops respond with at least
21 seven and often more than a dozen police officers and a police helicopter, draw their
22 firearms, order these people to exit their vehicles and lie prone in the street, handcuff
23 these people, and only then investigate whether the people have actually committed any
24 crime. LAPD’s own statistics indicate that many of the individuals stopped have
25 committed no crime at all.

26 26. LAPD has a written policy requiring its officers to conduct high-risk traffic
27 stops in response to reports in CLETS indicating that the vehicle is involved in any
28 felony crime and without first confirming that the information in CLETS is accurate and

1 correct.

2 27. LAPD's written policy requires its officers to conduct high-risk traffic
3 stops based only on unconfirmed reports in CLETS that the vehicle is stolen or has
4 license plates that do not match the vehicle.

5 28. Plaintiff brings this action on his own behalf, and on behalf of a class of all
6 other persons similarly situated, pursuant to Rule 23 of the Federal Rules of Civil
7 Procedure.

8 29. The "CLETS Class" is defined as all occupants in vehicles stopped and
9 detained by LAPD officers pursuant to LAPD's policy and custom of conducting "high-
10 risk" or "felony" traffic stops where the only written documentation of the justification
11 for the stop was information obtained from the California Law Enforcement
12 Telecommunications System ("CLETS"), and where no occupant in the vehicle stopped
13 and detained was booked into criminal custody in connection with the stop or detention.

14 30. The "CLETS Stolen Vehicle Class" [or Subclass] is defined as all
15 occupants in vehicles stopped and detained by LAPD officers pursuant to LAPD's
16 policy and custom of conducting "high-risk" or "felony" traffic stops based only on
17 suspicion that the vehicle is stolen or has a license plate not registered to the car, where
18 the only written documentation of the justification for the stop was information
19 obtained from the California Law Enforcement Telecommunications System
20 ("CLETS"), and where no occupant in the vehicle stopped and detained was booked
21 into criminal custody in connection with the stop or detention.

22 31. The "CLETS Force Class" [or Subclass] is defined as all occupants in
23 vehicles stopped and detained by LAPD officers pursuant to LAPD's policy and custom
24 of conducting "high-risk" or "felony" traffic stops where the only written justification
25 for the stop was information obtained from the California Law Enforcement
26 Telecommunications System ("CLETS"), where the stop was conducted at gunpoint
27 pursuant to LAPD policy that all high-risk stops may be conducted at gunpoint, and
28 where no occupant in the vehicle stopped and detained was booked into criminal

1 custody in connection with the stop or detention.

2 32. The class period for all classes goes back two years prior to the filing of
3 the complaint in this case on the federal claims and to October 13, 2022, on the state
4 law claims.

5 **a. Rule 23 Prerequisites**

6 **i. Numerosity**

7 33. In accordance with Federal Rule of Civil Procedure 23(a), the members of
8 the class are so numerous that joinder of all members is impracticable. Plaintiffs do not
9 know the exact number of class members. LAPD's own statistics indicate that LAPD
10 conducts "high-risk" stops of more than one thousand vehicles each year based only on
11 unconfirmed information in CLETS indicating that the vehicle may be stolen. Plaintiffs
12 are informed and believe, and thereon allege, that LAPD uses "high-risk" tactics on
13 thousands, and likely tens of thousands, of individuals every year based only on
14 unconfirmed information in CLETS indicating that the vehicle may be associated with
15 some felony crime, including but not limited to vehicle theft.

16 **ii. Common Issues of Fact or Law**

17 34. In accordance with Federal Rule of Civil Procedure 23(a), there are
18 questions of fact common to the class. The common questions of fact include, but are
19 not limited to, the following:

- 20 a. Whether LAPD has a policy requiring its officers to conduct "high-
21 risk" or "felony" traffic stops (defined above) based only on
22 information in CLETS indicating that the vehicle may be associated
23 with a felony crime without any other documented information
24 justifying the use of "high-risk" or "felony" tactics;
- 25 b. Whether LAPD has a policy that its officers do not confirm that the
26 information from CLETS was accurately entered into CLETS and is
27 current prior to conducting a "high-risk" or "felony" traffic stop;
- 28 c. Whether LAPD has a custom and policy that officers conducting

1 “high-risk” or “felony” traffic stops based only on unconfirmed
2 information from CLETS respond with at least seven officers who
3 draw their weapons, order each person they have stopped to lie
4 “prone” face down on the ground and spread eagled, and handcuff
5 each person they have stopped;

6 d. Whether LAPD has a custom and policy permitting its officers
7 conducting “high-risk” or “felony” traffic stops (defined above)
8 based only on unconfirmed information from CLETS to point their
9 weapons at the persons they have stopped;

10 e. Whether LAPD has a custom and policy that officers conducting
11 “high-risk” or “felony” traffic stops based only on unconfirmed
12 information from CLETS point their weapons at the persons they
13 have stopped;

14 f. Whether the conduct describe in the preceding sub-paragraph
15 occurred even though (1) no suspect was uncooperative or takes
16 action at the scene that raises a reasonable possibility of danger or
17 flight, (2) the police have no information that the suspect is currently
18 armed, (3) the police have no information that the stop closely
19 followed a violent crime, and (4) the police have no information that
20 a crime that may involve violence is about to occur.

21 35. In accordance with Federal Rule of Civil Procedure 23(a), there are
22 questions of law common to the class. The common questions of law include, but are
23 not limited to, the following:

24 a. Whether stopping drivers and occupants of vehicles based solely on
25 unconfirmed information obtained from CLETS, drawing weapons,
26 using handcuffs, and denying them the ability to leave, constitutes
27 an arrest;

28 b. Whether unconfirmed reports from CLETS are sufficient by

1 themselves for probable cause to arrest;

2 c. Whether the use of “high-risk” or “felony” tactics in situations
3 where the officers relied solely on unconfirmed information from
4 CLETS, and (1) had only reasonable suspicion, (2) no
5 documentation that the suspect was uncooperative or took action at
6 the scene that raises a reasonable possibility of danger or flight, (3)
7 the police have no information that the suspect was currently armed,
8 (4) the police had no information that the stop closely followed a
9 violent crime, and (5) the police had no information that a crime that
10 may involve violence was about to occur constitutes an
11 unconstitutional *de facto* arrest;

12 d. Whether holding drivers and occupants of vehicles at gunpoint in
13 situations where the officers relied solely on unconfirmed
14 information from CLETS, and (1) had only reasonable suspicion, (2)
15 no documentation that the suspect was uncooperative or took action
16 at the scene that raises a reasonable possibility of danger or flight,
17 (3) the police have no information that the suspect was currently
18 armed, (4) the police had no information that the stop closely
19 followed a violent crime, and (5) the police had no information that
20 a crime that may involve violence was about to occur constitutes
21 excessive force;

22 e. Whether the LAPD’s conduct as described above constitutes a
23 policy or custom of Defendant City of Los Angeles under *Monell v.*
24 *Department of Social Services*, 436 U.S. 658 (1978);

25 f. Whether the LAPD’s conduct as described above constitutes a
26 failure to train by Defendant City of Los Angeles under *City of*
27 *Hanton v. Harris*, 489 U.S. 378 (1989);

28 g. Whether the conduct described above violates the Fourth

Amendment to the United States Constitution;

- h. Whether the conduct described above violates Article I, § 13 of the California Constitution;
- i. Whether the conduct described above violates Civil Code §52.1;
- j. Whether Defendant City of Los Angeles is entitled to state law immunity on the state law claims for the practices complained of herein; and
- k. Whether determination of damages suffered by a statistically representative sample of the class provides the basis for determination of all class members' damages except those who opt out, or whether category damages may appropriately be determined for the class members.

iii. Typicality

36. In accordance with Federal Rule of Civil Procedure 23(a), the claims of the representative Plaintiff are typical of the class. Plaintiff was subjected to a “high-risk” or “felony” traffic stop when he was surrounded by at least one dozen LAPD officers and a police helicopter, the officers drew their guns, he was ordered to lie face down in the street, and he was handcuffed, all based only upon unconfirmed information in CLETS and without any information that (1) he was uncooperative or took action at the scene that raised a reasonable possibility of danger or flight; (2) he was currently armed; (3) that the stop closely followed a violent crime; or (4) that a crime that may involve violence was about to occur. The officers further pointed their firearms toward him.

37. Thus, Plaintiff has the same interests and has suffered the same type of damages as the class members. Plaintiff's claims are based upon the same or similar legal theories as the claims of the class members. Each class member suffered actual damages as a result of being subjected to a high-risk stop. The actual damages suffered by Plaintiff are similar in type and amount to the actual damages suffered by each class

1 member.

2 38. In accordance with Federal Rule of Civil Procedure 23(a), the
3 representative Plaintiff will fairly and adequately protect the interests of the class. The
4 interests of the representative Plaintiff is consistent and not antagonistic to the interests
5 of the class.

6 **iv. Adequacy of Representation**

7 39. Plaintiff Muhammad will fairly and adequately protect the interests of the
8 class(es). Plaintiff Muhammad's interests align with the interests of the class, and there
9 are no known conflicts of interest between aim and class members.

10 40. Counsel for Plaintiff Muhammad and the Class are experienced class
11 action attorneys with extensive class action experience in this District, particularly
12 regarding civil rights damages class actions such as this.

13 **v. Common Issues of Fact or Law Predominate**

14 41. In accordance with Federal Rule of Civil Procedure Rule 23(b)(3), the
15 questions of law or fact common to the members of the class predominate over any
16 questions affecting only individual members, and this class action is superior to other
17 available methods for the fair and efficient adjudication of the controversy between the
18 parties. The interests of class members in individually controlling the prosecution of a
19 separate action is low in that most class members would be unable to individually
20 prosecute any action at all. The amounts at stake for individuals are such that separate
21 suits would be impracticable in that most members of the class will not be able to find
22 counsel to represent them. Notably, of the thousands of class members who have been
23 subjected to the foregoing custom, policies and practice, only a tiny fraction of people
24 subjected to them have ever filed a lawsuit for violation of their rights, which supports
25 the superiority of the class action mechanism. It is desirable to concentrate all litigation
26 in one forum because all of the claims arise in the same location, *i.e.*, the City of Los
27 Angeles. It will promote judicial efficiency to resolve the common questions of law
28 and fact in one forum rather than in multiple courts. Even if the size of potential

1 recoveries might justify individual recoveries, the custom and policy at issue is
2 primarily perpetrated on economically and racially disadvantaged groups, making less
3 likely that they would seek individual relief.

4 42. The central factual issue in this case is whether LAPD had and continues to
5 have a custom and policy of stopping and detaining vehicles based solely on their
6 presence in CLETS, and whether that custom and policy is lawful. The class definition
7 limits the class to those stopped and detained based solely on information from CLETS
8 because that is part of LAPD's custom and policy. The central legal issue is whether
9 that custom and policy, assuming it existed or exists, is lawful. Accordingly, common
10 issues of fact and law predominate.

11 **vi. Maintenance and Superiority**

12 43. In accordance with Federal Rule of Civil Procedure 23(b)(1)(A),
13 prosecutions of separate actions by individual members of the class would create a risk
14 of adjudications with respect to individual members of the class which would, as a
15 practical matter, substantially impair or impede the interests of the other members of the
16 class to protect their interests.

17 44. In accordance with Federal Rule of Civil Procedure Rule 23(b)(2),
18 Defendant has acted on grounds generally applicable to the class.

19 45. Plaintiff does not know the identities of the class members. Plaintiff is
20 informed and believes, and thereon allege, that the identities of the class members are
21 ascertainable from LAPD and California DOJ records, in particular the LAPD Racial
22 and Identity Profiling Act ("RIPA") data, Automated Field Data Reports (AFDRs),
23 Field Identification ("FI") cards, PMDC State Responses, CAD Summary Reports,
24 "Incident Recall" reports, radio calls, and body camera and DICV recordings, and the
25 California DOJ SVS records. AFDRs identify the primary LAPD officers who initiated
26 the high-risk stop, and time and location of the stop, the reason for the stop, the tactics
27 used, whether any weapon was found and/or seized, whether a custodial arrest was
28 made, and the Incident Number. The Incident Number is linked to the Incident Recall

1 and CAD Summary reports which identify all the officers dispatched to the incident and
2 provide additional information regarding the incident. PMCD State Responses and SVS
3 records identify the license plate and individuals queried in the CLETS databases and
4 any information in these databases associating the license plate or name with any
5 reported crime. Radio calls, body camera recordings, and DICV recordings provide
6 additional information regarding the reasons for the traffic stop and the actions of the
7 involved officers and the persons detained.

8 46. Plaintiff knows of no difficulty that will be encountered in the management
9 of this litigation that would preclude its maintenance as a class action. The class action
10 is superior to any other available means to resolve the issues raised on behalf of the
11 class. The class action will be manageable because so many different records systems
12 exist from which to ascertain the members of the class. Liability can be determined on
13 a class-wide basis. Damages can be determined on a class-wide basis using a damages
14 matrix set by a jury, or by a determination of general damages.

15 47. Further, class certification of a liability-only 23(b)(3) class is appropriate
16 under Rule 23(c)(4) even if damages would need to be determined individually.

17 48. In accordance with Federal Rule Civil Procedure Rule 23(b)(3), class
18 members must be furnished with the best notice practicable under the circumstances,
19 including individual notice to all members who can be identified through reasonable
20 effort. Plaintiff is informed and believes that LAPD and California Department of
21 Justice computer records contain a last known address for class members. Plaintiff
22 contemplates that individual notice be given to class members at such last known
23 address by first class mail. Plaintiff contemplates that the notice inform class members
24 of the following:

- 25 a. The pendency of the class action, and the issues common to the
- 26 class;
- 27 b. The nature of the action;
- 28 c. Their right to 'opt out' of the action within a given time, in which

1 event they will not be bound by a decision rendered in the class
2 action;

3 d. Their right, if they do not 'opt out,' to be represented by their own
4 counsel and enter an appearance in the case; otherwise, they will be
5 represented by the named Plaintiff and his counsel; and

6 e. Their right, if they do not 'opt out,' to share in any recovery in favor
7 of the class, and conversely to be bound by any judgment on the
8 common issues, adverse to the class.

9 49. Plaintiff restates and incorporates by reference each of the foregoing and
10 ensuing paragraphs in each of the following causes of action as if each paragraph was
11 fully set forth therein.

12 **FIRST CLAIM FOR RELIEF**

13 **42 U.S.C. § 1983**

14 **Fourth and Fourteenth Amendments of the United States Constitution:**

15 **Unreasonable Seizure**

16 **(By Plaintiff and Class Members Against All Defendants)**

17 50. Plaintiff alleges and incorporates by reference each and every allegation
18 contained in the foregoing and subsequent paragraphs as though fully set forth herein.

19 51. All of the acts of the involved officers and non-sworn personnel were done
20 under color of state law.

21 52. The acts of the LAPD and its involved officers deprived Plaintiff and class
22 members of rights, privileges, and immunities secured by the Constitution of the United
23 States, including but not limited to his rights under the Fourth Amendment of the
24 United States Constitution, incorporated and made applicable to the states and their
25 local governments by the Fourteenth Amendment by, among other things, unlawfully
26 seizing Plaintiff and class members by conducting a high-risk traffic stop and a *de facto*
27 arrest of Plaintiff and class members without any lawful basis, probable cause, warrant,
28 or any exception thereto.

1 53. Each of the involved Officers was both personally involved and an integral
2 participant in the violation of Plaintiff's and class members' constitutional rights. Each
3 Officer was aware of the unlawful actions of the other Officers as they planned to and
4 did conduct a "high risk" stop of Plaintiff and class members without any further
5 reasonable suspicion beyond unverified information from CLETS indicating that
6 Plaintiff's and class members' vehicle did not match its license plates, and without any
7 probable cause to believe that Mr. Muhammad, or members of the class, was involved
8 in any criminal activity, let alone criminal activity posing any high risk of danger, and
9 performed a *de facto* arrest of Mr. Muhammad, and class members generally, without
10 probable cause, drew their weapons, ordered him/them to lie prone in the middle of the
11 street, handcuffed him, detained him/them, and/or stood guard while the other involved
12 Officers committed these acts. None of the involved Officers objected to these
13 violations of Plaintiff's and class members' rights, and each Officer participated in the
14 violation by performing police functions, including meaningful participation in the
15 unlawful seizure and *de facto* arrest of Plaintiff and class members. Each of the
16 involved officers were acting pursuant to the custom and policy of the City of Los
17 Angeles and the LAPD.

18 54. As a direct and proximate result of the aforementioned acts of the involved
19 Officers, Plaintiff Muhammad and all class members sustained and incurred damages
20 including pain, suffering, and emotional injury.

21 55. In doing the foregoing wrongful acts, Defendants, and each of them, acted
22 in reckless and callous disregard for Plaintiff's and class members' constitutional rights.
23 The wrongful acts, and each of them, were willful, oppressive, fraudulent, and
24 malicious, thus warranting the award of punitive damages against each individual
25 Officer Defendant in their individual capacities (but not against the entity Defendant) in
26 an amount adequate to punish the wrongdoers and deter future misconduct.

27 56. The involved Officers acted pursuant to expressly adopted official policies
28 or longstanding practices or customs of the City of Los Angeles. These include policies

1 and longstanding practices and/or customs requiring and/or permitting officers to carry
2 out “high-risk” stops, including but not limited to utilizing large numbers of police cars
3 and officers; drawing their weapons; proning them out; handcuffing them; and detaining
4 them at length, all in situations that are not high risk and based only upon unconfirmed
5 information from CLETS indicating a felony crime and without any of the “special
6 circumstances” required by Ninth Circuit law for the use of high-risk tactics.

7 57. The training policies of the City of Los Angeles were not adequate to train,
8 supervise, and control its Officers to handle the usual and recurring situations with
9 which they must deal, including but not limited to performing (1) high-risk traffic stops
10 of vehicles suspected based only upon unconfirmed CLETS data indicating a felony
11 crime and (2) *de facto* arrests of motorists based only upon same. The City of Los
12 Angeles knew that its failure to adequately train its Officers for such situations made it
13 highly predictable that its Officers would engage in conduct that would deprive persons
14 such as Mr. Muhammad and class members of his/their rights. The City of Los Angeles
15 was thus deliberately indifferent to the obvious consequences of its failure to train its
16 Officers adequately.

17 58. Defendant City of Los Angeles’s official policies and/or longstanding
18 practices or customs, including but not limited to its training policies, caused the
19 deprivation of the constitutional rights of Mr. Muhammad and class members by the
20 involved Officers; that is, the City of Los Angeles’s official policies and/or
21 longstanding practices or customs are so closely related to the deprivation of Plaintiff’s
22 and class members’ rights as to be the moving force that caused his/their injuries. These
23 policies, longstanding practices, and/or customs include performing high risk traffic
24 stops of vehicles based only on unconfirmed data from CLETS indicating a felony
25 crime and without any of the special circumstances present.

26 ///

27 ///

28 ///

SECOND CLAIM FOR RELIEF

42 U.S.C. § 1983

Fourth and Fourteenth Amendments of the United States Constitution:

Excessive Force

(By Plaintiff and Class Members Against All Defendants)

59. Plaintiff alleges and incorporates by reference each and every allegation contained in the foregoing paragraphs as though fully set forth herein.

60. All of the acts of the involved officers and non-sworn personnel were done under color of state law.

61. The acts of the involved officers deprived Plaintiff and class members of rights, privileges, and immunities secured by the Constitution of the United States, including but not limited to his rights under the Fourth Amendment of the United States Constitution, incorporated and made applicable to the states and their local governments by the Fourteenth Amendment by, among other things, using excessive force against Plaintiff and class members. Specifically, the involved Officers pointed their guns at Plaintiff and class members, which under established Ninth Circuit law is a use of force.

62. Each of the involved Officers was both personally involved and an integral participant in the violation of Plaintiff's and class members' constitutional rights. Each Officer was aware of the unlawful actions of the other Officers as they planned to and did point their firearms at Plaintiff and class members. None of the involved Officers objected to these violations of Plaintiff's and class members' rights, and each Officer participated in the violation by performing police functions, including meaningful participation in the use of unreasonable force against him/them.

63. As a direct and proximate result of the aforementioned acts of the involved Officers, Plaintiff and class members sustained and incurred damages including pain, suffering, and emotional injury.

64. In doing the foregoing wrongful acts, Defendants, and each of them, acted in reckless and callous disregard for Plaintiff's and class members' constitutional rights.

1 The wrongful acts, and each of them, were willful, oppressive, fraudulent, and
2 malicious, thus warranting the award of punitive damages against each individual
3 Officer Defendant in their individual capacities (but not against the entity Defendant) in
4 an amount adequate to punish the wrongdoers and deter future misconduct.

5 65. The involved Officers acted pursuant to expressly adopted official policies
6 or longstanding practices or customs of the City of Los Angeles. These include policies
7 and longstanding practices and/or customs requiring and/or permitting officers to draw
8 their firearms, to point firearms at persons they detain in situations that are not high risk
9 and based only upon unconfirmed information from CLETS indicating a felony crime
10 and without any of the “special circumstances” required by Ninth Circuit law for the
11 use of high-risk tactics.

12 66. The training policies of the City of Los Angeles were not adequate to train,
13 supervise, and control its Officers to handle the usual and recurring situations with
14 which they must deal, including but not limited to (1) performing high-risk traffic stops
15 of vehicles suspected based only upon unconfirmed CLETS data indicating a felony
16 crime and (2) using excessive force based only upon same. The City of Los Angeles
17 knew that its failure to adequately train its Officers for such situations made it highly
18 predictable that its Officers would engage in conduct that would deprive persons such
19 as Mr. Muhammad and class members of his/their rights. The City of Los Angeles was
20 thus deliberately indifferent to the obvious consequences of its failure to train its
21 Officers adequately.

22 67. Defendant City of Los Angeles’s official policies and/or longstanding
23 practices or customs, including but not limited to its training policies, caused the
24 deprivation of the constitutional rights of Mr. Muhammad and class members by the
25 involved Officers; that is, the City of Los Angeles’s official policies and/or
26 longstanding practices or customs are so closely related to the deprivation of Plaintiff’s
27 and class members’ rights as to be the moving force that caused his injuries.

28 ///

THIRD CLAIM FOR RELIEF

Article I, § 13 of the California Constitution

(By Plaintiff and Class Members against All Defendants)

68. Plaintiff alleges and incorporates by reference each and every allegation contained in the foregoing and subsequent paragraphs as though fully set forth herein.

69. The acts of the involved officers deprived Plaintiff and class members of rights, privileges, and immunities secured by Article I, § 13 of the California Constitution by, among other things, unlawfully seizing Plaintiff and class members by conducting a high-risk traffic stop and a *de facto* arrest of and class members without any lawful basis, probable cause, warrant, or any exception thereto.

70. As a direct and proximate result of the aforementioned acts of the involved Officers, Plaintiff and class members sustained and incurred damages including pain, suffering, and emotional injury.

71. Each of the involved Officers was both personally involved and aided and abetted in the violation of Plaintiff's and class members' constitutional rights. Each Officer knew that the other Officers were committing unlawful actions against Plaintiff and class members as they planned to and did unlawfully arrest Plaintiff and class members by using high-risk tactics without probable cause. Each Officer gave substantial assistance or encouragement to the other Officers and each Officer's conduct was a substantial factor in causing harm to Plaintiff and class members.

72. Pursuant to California Government Code § 815.2(a), the City of Los Angeles is responsible under the doctrine of respondeat superior liability for the actions of the individual Defendants, as well as the actions of employees not named as defendants, who were all acting within the scope of their employment.

73. In doing the foregoing wrongful acts, Defendants, and each of them, acted with conscious and/or reckless disregard of Plaintiff's and class members' rights. Said Defendants' conduct was willful, wanton, malicious, and oppressive, thereby justifying an award of exemplary and punitive damages against each individual Officer Defendant

1 in their individual capacities (but not against the entity Defendant) to punish the
2 wrongful conduct alleged herein and to deter such conduct in the future.

3 **FOURTH CLAIM FOR RELIEF**

4 **Bane Act (Cal. Civil Code § 52.1)**

5 **(By Plaintiff and Class Members against All Defendants)**

6 74. Plaintiff realleges and incorporates by reference each and every allegation
7 contained in the foregoing and subsequent paragraphs as though fully set forth herein.

8 75. Article I, § 13 of the California Constitution and the Fourth Amendment to
9 the United States Constitution, incorporated and made applicable to the states and their
10 local governments by the Fourteenth Amendment, guarantee the right of persons to be
11 free from unlawful false arrests and/or excessive force on the part of law enforcement
12 officers. The LAPD, through its involved Officers, by engaging in the wrongful acts
13 and failures to act alleged herein, intentionally and deliberately denied each of these
14 rights to Plaintiff and class members by threats, intimidation, or coercion, to prevent
15 Plaintiff and class members from exercising his rights to be free of false arrest, thus
16 giving Plaintiff and class members claims for damages pursuant to California Civil
17 Code § 52.1. Specifically, the involved Officers (1) stopped Plaintiff and class
18 members based only upon unverified information from CLETS indicating that
19 Plaintiff's and class members had committed a felony crime and (2) performed a *de*
20 *facto* arrest of and/or used excessive force against Plaintiff and class members by using
21 high-risk tactics even though no special circumstance was present. The Officer
22 Defendants intended by their actions to deprive Plaintiff and class members of his/their
23 enjoyment of the interests protected by the right to be free of such conduct.

24 76. As a direct and proximate result of the aforementioned acts and omissions
25 of the involved Officers, Plaintiff and class members sustained and incurred damages
26 including pain, suffering, and emotional injury.

27 77. Each of the involved Officers was both personally involved and aided and
28 abetted in the violation of Plaintiff's and class members constitutional rights. Each

1 Officer knew that the other Officers were committing unlawful actions against Plaintiff
2 and class members as they planned to and did unlawfully arrest Plaintiff and class
3 members, search Plaintiff's and class members' vehicle, use excessive force against
4 Plaintiff and class members, and detain Plaintiff and class members. Each Officer gave
5 substantial assistance or encouragement to the other Officers and each Officer's conduct
6 was a substantial factor in causing harm to Plaintiff and class members.

7 78. The City of Los Angeles is responsible under the doctrine of respondeat
8 superior liability for the actions of the individual Defendants, as well as the actions of
9 employees not named as defendants, who were all acting within the scope of their
10 employment.

11 79. In doing the foregoing wrongful acts, Defendants, and each of them, acted
12 with conscious and/or reckless disregard of Plaintiff's and class members rights. Said
13 Defendants' conduct was willful, wanton, malicious, and oppressive, thereby justifying
14 an award of exemplary and punitive damages against each individual Officer Defendant
15 in their individual capacities (but not against the entity Defendant) to punish the
16 wrongful conduct alleged herein and to deter such conduct in the future.

17 80. As the direct and legal result of Defendants' conduct, Plaintiff and class
18 members suffered and will continue to suffer damages, including but not limited to
19 those set forth above, and is entitled to statutory damages under Cal. Civ. Code § 52,
20 including damages up to three times Plaintiff's and class members' actual damages but
21 no less than \$4,000 for every offense of California Civil Code § 51 *et seq.*, as well as
22 compensatory and punitive damages and attorneys' fees.

23 **FIFTH CLAIM FOR RELIEF**

24 **Assault**

25 **(By Plaintiff and Class Members Against All Defendants)**

26 81. Plaintiff realleges and incorporates by reference each and every allegation
27 contained in the foregoing and subsequent paragraphs as though fully set forth herein.

28 82. The involved Officers drew their weapons and aimed them at Plaintiff's

1 and the class members' person in a threatening manner.

2 83. Plaintiff and class members reasonably believed that the involved
3 Defendants would shoot them.

4 84. Plaintiff and class members did not consent to the involved Officers'
5 conduct.

6 85. As a direct and proximate result of the aforementioned acts or omissions of
7 the Officers, Plaintiff and class members have suffered and continue to suffer emotional
8 injury.

9 86. Upon information and belief, each of the involved Officers was either
10 personally involved and/or aided and abetted in the violation of Plaintiff's and class
11 members' rights. Each Officer knew that the other Officers were committing unlawful
12 actions against Plaintiff and class members as they planned to and did unlawfully aim
13 their weapons at Plaintiff and class members. Each Officer gave substantial assistance
14 or encouragement to the other Officers and each Officer's conduct was a substantial fact
15 in causing harm to Plaintiff and class members.

16 87. The City of Los Angeles is vicariously liable for the actions of the
17 involved Officers.

18 88. 102. In doing the foregoing wrongful acts, Defendants, and each of them,
19 acted with conscious disregard of Plaintiff's and class members' rights. Said
20 Defendants' conduct was willful, wanton, malicious, and oppressive, thereby justifying
21 an award of exemplary and punitive damages against each individual Officer Defendant
22 in their individual capacities (but not against the entity Defendant) to punish the
23 wrongful conduct alleged herein and to deter such conduct in the future.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff, on behalf of himself and the class members he
26 represents, requests damages against Defendant as follows:

27 1. For compensatory, general and special damages against each Defendant,
28 jointly and severally, amounts to be proven at trial;

2. For punitive and exemplary damages against the individually named Defendants in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct;

3. In addition to actual damages, statutory damages as allowed by law, including treble damages under California Civil Code §§ 52 and 52.1;

4. Prejudgment and post-judgment interest;

5. For costs and suits and reasonable attorneys' fees and costs as authorized by statute or law; and

6. For such other relief as the Court may deem proper.

DEMAND FOR JURY TRIAL

Plaintiff, on behalf of himself individually and on behalf of the class, hereby demands trial by jury in this action.

Dated: November 20, 2023

Respectfully Submitted,

HADSELL STORMER RENICK & DAI LLP

KAYE, McLANE, BEDNARSKI & LITT, LLP

By: /s/ Brian Olney
Brian Olney
Attorneys for Plaintiff